**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR**

**WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928**

**RP.No. 423 of 1998(Y)**

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**AGAINST THE JUDGEMENT/ORDER IN OP.3986/1993 Dated 01/04/1993**

**.....**

**PETITIONER/ PETITIONER :**

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**M.VARADARAJA SARMA,**
**LAKSHMI, POOMALA ROAD,**
**PERINGAVU, THRISSUR DISTRICT.**

**BY ADV. SRI.P.K.ASHOKAN**

**RESPONDENTS/ RESPONDENTS**

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1. **SECRETARY, DEPARTMENT OF AGRICULTURE, THIRUVANANTHAPURAM.**
2. **DIRECTOR OF AGRICULTURAL , THIRUVANANTHAPURAM.**
3. **STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, THIRUVANANTHAPURAM.**
4. **DISTRICT COLLECTOR, THRISSUR.**
5. **VILLAGE OFFICER, VIYYUR, THRISSUR DISTRICT.**

**BY GOVERNMENT PLEADER SRI.SURARSHAN**

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

C.N.RAMACHANDRAN NAIR, J.

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R.P. NO.423 of 1998 in
O.P. No.3986 of 1993

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Dated this the 13th day of December, 2006.

ORDER

The review petition is filed based on an observation of the Division Bench in the appeal filed by the petitioner against the judgment in the O.P. dated 1.4.1993. The transaction pertains to reconstruction work carried on by the Agricultural Department during 1986. The work was for a massive amount of over Rs.31 lakhs. Based on audit report, Vigilance enquiry was conducted. By proceeding dated 12.1.1998 the petitioner was directed to pay a sum of Rs.83,282/- to meet the loss caused to the Government on account of alleged irregularities in the purchase of construction material namely, cement. Even though petitioner raised a contention that he was not given proper opportunity to explain, the finding of the learned Single Judge was to the contrary because he observed that when opportunity was granted to the petitioner, petitioner was under treatment or under hospitalisation. I do not think any purpose will be served by granting one more opportunity in respect of a matter that took place more than 20 years back. The petitioner did not pursue the review petition in time and therefore, it has become infructuous by efflux of time. The R.P. is therefore dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms